

MILFORD PLANNING BOARD PUBLIC HEARING
August 21, 2012 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Paul Amato
Kathy Bauer
Chris Beer
Steve Duncanson
Judy Plant
Susan Robinson, Alternate member
Malia Ohlson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Dan Finan, Videographer

MINUTES:

1. Approval of minutes from the 07/17/12 meeting.

NEW BUSINESS:

2. **Thomas M. Lorden – Stable Rd – Map 48, Lot 64 & Map 49. Lot 2-2;** Public Hearing for a lot line adjustment. (Monadnock Survey, Inc.)
3. **Walter Seigny – Elm St – Map 25, Lot 11;** Public Hearing for an amendment to a previously approved site plan to allow for the storage of no more than six recreational vehicles.
(Original site plan #0-487-20 dated 6/2/92)

OTHER BUSINESS:

4. **Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31.** Extension request for an approved site plan.
(SPA#2009-01)
5. **Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45.** Request for a 60 day extension and amendments to an approved Development Agreement.

Chairperson Langdell called the meeting to order at 6:40PM, introduced the Board and staff, explained the process for the public hearing and read the agenda.

MINUTES:

Several revisions were submitted for pages 5 and 12. S. Duncanson made a motion to approve the minutes from the 7/17/12 meeting, as amended. T. Sloan seconded. C. Beer abstained and all else in favor.

NEW BUSINESS:

Thomas M. Lorden – Stable Rd – Map 48, Lot 64 & Map 49. Lot 2-2; Public Hearing for a lot line adjustment.

Abutters present:

Charles Levine, Fernwood Dr

Richard & Theresa Blais, Stable Rd

Russell & Jane Labbe, Stable Rd

Chairperson Langdell recognized:

Dawn Tuomala, Monadnock Survey, Inc.

J. Langdell asked if the application was complete. J. Levandowski replied yes. T. Sloan made a motion to accept the application. P. Amato seconded and all in favor. S. Wilson read the abutters into the record.

D. Tuomala explained that both properties on Stable Rd are owned by Thomas Lorden. The lots are located in the Residence R district and not within the 100 year floodplain. 8.3 acres shown as parcel A on the plan will be transferred from lot 49/2-2 to lot 48/64 resulting in 32 acres and 24 acres respectively.

Chairperson Langdell opened discussion to the public;

R. Labbe said he would talk to Mr. Lorden later, since he was not present at the meeting, and wondered if this was going to remain in current use or will this be for a subdivision. Has there been any indication made of future plans, and what would be the benefit in switching the land over.

D. Tuomala stated that she did not know of any future plans but if there was to be a future subdivision we would have to come back before the Board. J. Langdell clarified that Ms. Tuomala's charge was to do the surveying work and make the presentation tonight for the lot line adjustment.

R. Labbe said he was aware of that but once again; he wanted to know if this land will remain in current use. J. Levandowski added that in meeting with the applicant and going through the application process, there was no indication or intention to further subdivide; this is all we have at this time. R. Labbe explained that his question pertained more to the tax impact and current use, since we are all concerned about our property taxes, with his neighbor's as well as his own, particularly when the Town has to make certain allocations and allowances for that. He used the term subdivision because that is what was referenced on the notice he received from the town informing him of this hearing and read the notice stating "subdivision application". That word did peak his curiosity as you might see. So in the future, if there isn't going to be any intent to subdivide then the abutters shouldn't get a letter saying that or leave the word subdivision out. J. Langdell said that was a good point and we will look our letters to make sure they are as clear as possible for abutters. R. Labbe said in that case, he probably wouldn't have shown up any more than the owner of the property would have. J. Levandowski noted that under RSA 676:4, this application does fall under subdivisions. P. Amato stated that both lots prior to and after this lot line adjustment have the correct amount of frontage, lot size and meet the criteria for current use.

Chairperson Langdell closed the public portion of the meeting.

D. Tuomala read note #4 stating that the intent of this plan is to relocate the line between lots 48/64 and 49/2-2 and parcel A is not to be considered a separate building lot but is to be annexed and to become part of 48/64. She also added that a lot line adjustment is submitted on a subdivision application. J. Langdell reiterated that we want to make sure abutter notices have the maximum clarity possible for non-professionals.

T. Sloan made a motion approve the application. S. Duncanson seconded and all in favor.

Walter Sevigny – Elm St – Map 25, Lot 11; Public Hearing for an amendment to a previously approved site plan to allow for the storage of no more than six recreational vehicles.

No abutters were present.

J. Langdell asked if the application was complete. J. Levandowski replied yes and pointed out that on page two of the staff memo dated 8/21/12, it should be revised to state that there are three (3), not five (5), apartments and one (1) office. C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. S. Wilson read the abutters into the record.

J. Langdell stated that the applicant was not here and there was no one to present the application and answer questions.

C. Beer made a motion to table the application to the September 18, 2012 meeting. S. Duncanson seconded for discussion. P. Amato asked if staff expected the applicant to be here. J. Levandowski said she had placed a call last week and again today to notify him but had not received any response. A brief discussion followed.

J. Langdell called for a vote, and all in favor.

OTHER BUSINESS:

Park Meadow, LLC / Airmar Technology Corporation – Meadowbrook Dr – Map 7, Lot 31. Extension request for an approved site plan.

J. Levandowski stated that in discussion this afternoon, we have determined that what the applicant is requesting should be a waiver from Section 4.07 of our Development Regulations, so staff recommends that the Board table this request to the September meeting allowing the applicant to submit a waiver request form.

J. Langdell read the Staff memo dated 8/21/12 and the waiver application.

S. Duncanson noted that the extension expired on July 20th and this is now August 21st. J. Langdell said that the request letter was received on July 29th, most likely after notification from staff. There may have been a timing issue to get on the July agenda. The question is, is this waivable? S. Duncanson asked if there was a representative from Airmar here tonight. J. Levandowski explained that the intention was for them to attend tonight's meeting, but given the circumstances we had discussed the afternoon to table the request, they did not attend. She had spoken with the applicant this afternoon and they will agree with any decision the Board makes, understanding that they have already been granted one single, six month extension as our Development Regulations read. J. Langdell said that when the regulations were revised a few years ago, there was considerable discussion on the number of extensions and how long they would be. There was a great deal of analysis and thoughtfulness; however, the word "single" was included and unintended consequences do come up.

P. Amato said his issue was the timing with the economy. J. Langdell agreed and noted that last year or the year before, the State expanded the five year exemption period for subdivisions, although not site plans, because of how bad the economy was. She questioned staff earlier today to see if there was a way we could approach this that is in keeping with our development regulations, as they stand, and the waiver was the avenue available to us.

S. Duncanson inquired why the applicant hasn't come in to ask for a waiver prior to tonight. P. Amato asked when it was determined that the Board couldn't grant another extension. J. Levandowski replied this afternoon. Originally, as stated in the Staff memo dated 8/21/12, staff had no issue with this request, but in further analysis and keeping with our regulations, the best avenue would be to request the waiver.

C. Beer inquired if the Board should deny the request. J. Langdell explained that is the technical aspect and the Board could deny this specific request for an extension without prejudice and invite the applicant to come back to the next meeting with a waiver. J. Levandowski clarified that this was only a recommendation presented to the applicant; it was never conveyed that the Board would not hear the request. Their response was assuming the Board would table this matter and there would be no need to attend.

P. Amato made a motion to table the request for a six month extension to the September 18, 2012 meeting to let the applicant work with staff to sort out how best to present. K. Bauer seconded. K. Bauer, P. Amato, T. Sloan, and J. Plant voted in the affirmative and S. Duncanson, C. Beer and J. Langdell voted in the negative. The motion was carried by a vote of 4-3.

Ashwood Development, LLC – Falcon Ridge Development – Maple St/Falcon Ridge Rd – Map 3, Lots 5 through 5-45. Request for a 60 day extension and amendments to an approved Development Agreement.

Chairperson Langdell recognized:

Carl Kasierski, Whiting Hill Realty Trust /Ashwood Development

J. Langdell noted that this development agreement was before this Board back in June, and we approved it with changes. Since that time, some events happened and they are coming back.

C. Kasierski commented that sixty days went by very fast. We have made some progress, but not all that we thought we'd be able to make. One of the requirements of that amendment in June was that we provide additional bonding to cover the deficiency created when the town's consulting engineer went out for a site inspection and increased the value to finish the remaining work. We have since provided a letter from Lowell Five Bank confirming that they would provide a Letter of Credit for that deficiency. Another requirement was that two of the four lot owners within the development consent to the extension and the changes to the development agreement; one agreed and one has not. He did not understand this requirement to begin with because we own the road, we are bonding the road and we are responsible for the completion of the improvements to the road.

The purpose of the extension is to extend the sixty day timeline on the June amendment; we obviously didn't meet all the requirements. An additional sixty days will give us time to come back in September and allow the abutters to speak. J. Langdell noted that the recommendation to hold a public hearing and notify the interested parties or principals to speak and hear the discussion came from town counsel. Also, I don't know that we've seen the amended document. C. Kasierski stated that the only amendment is to delete the one sentence. J. Levandowski added that the extension will allow for counsel to review that amendment.

P. Amato inquired if we had authorization to grant another extension. J. Levandowski replied yes. P. Amato stated that this amendment will provide more clarity and people will have been notified that if they want to speak to this, which they will be able to do at the September meeting. J. Langdell clarified that there have been numerous changes in owners of the land holdings over the years and this amendment is to remove all reference to one of the entities of this project that has been signed on since day one, from the development agreement, as they no longer want to be involved. J. Langdell reiterated that town counsel recommended a public hearing be held to afford what happens to be Falcon Ridge LLC and other affected property owners an opportunity to comment and be involved in the process.

J. Plant recused herself from voting, as an abutter.

P. Amato made a motion to table this request to the September 18, 2012 meeting. T. Sloan seconded and all in favor.

There was no other business and the meeting was adjourned at 7:10PM.

MINUTES OF THE AUG 21, 2012 PLANNING BOARD PUBLIC HEARING APPROVED SEPT 18, 2012.